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10/644,759

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EXAMINER

MARIAM, DANIEL G

ART UNIT

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2624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/644,759 | Applicant(s) YAMADA, MASAHIKO | |
| | Examiner DANIEL G. MARIAM | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-17, 19-21 & 25-27 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 18 and 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In response to the Office Action mailed August 8, 2007, the applicant has submitted an amendment, amending claim 15, and arguing to traverse the rejection of claims 1-3, 5-10, 12-17, 19-21, and 25-27.

Response to Arguments

2. Applicant's arguments filed February 7, 2008 have been fully considered but they are not deemed to be persuasive for at least the following reasons. Applicant argues with respect to the anticipatory rejection of claims 1, 8, 15, and 25-27 starting on page 11 of the remarks, that the reference to Bobrow, et al does not calculate a similarity value between the images. The examiner respectfully disagrees. In Bobrow, similarities between document images are calculated using distance measurement or similarity may also be calculated on the basis of documents having matching features (See for example, Fig. 15 and the associated text). Furthermore, at col. 30, lines 10-14, Bobrow states: "By using this method for sorting documents stored in a corpus of documents, a user is able to more readily identify a particular document in the corpus by *examining* the grouping of documents 1700 which have *similar address fields*." Thus, Bobrow does compute similarities between the document images based on the similarities found between the objects, segments or address fields.

3. The applicant further argues with respect to the obviousness rejection of claims 1-3 5-10, 12-17, and 19-21 on page 13 of the remarks that the combination of Li and Bobrow fail to teach the similarity computation between the images. The argument presented above in paragraph 2 is not repeated herein, but is incorporated by reference.

Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 8, 15, and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bobrow, et al. (6,562,077).

With regard to claim 1, Bobrow discloses similarity judgment method for judging a similarity value between images, i.e., documents, related to or attached with characteristic, i.e., layout, structure or attribute, information representing a characteristic of each of objects therein (See for example, the Abstract and Fig. 15), the similarity judgment method comprising the steps of: calculating a similarity value between the objects included in the images, based on the characteristic information, calculating the similarity value between the images, based on the similarity value between the objects (See for example, col. 27, line 30 – col. 28, line 53; and col. 30, lines 10-14).

Claim 8 is rejected the same as claim 1 except claim 8 is directed to an apparatus claim. Thus, argument analogous to that presented above for claim 1 is applicable to claim 8. Applicant's attention is further invited to Figures 1 and 2.

Claim 15 is rejected the same as claim 8. Thus, argument similar to that presented above for claim 8 is applicable to claim 15. As to a computer-readable medium including a program (See for example, item 116, in Fig. 1).

With regard to claim 25, the method of Claim 1, wherein the calculation of similarity value between images is for plural images stored in a database, and wherein at least two of the stored plural images are compared against each other (See for example, Figs. 1-3 and 15-16 and the associated text).

With regard to claim 26, the method of claim 1, the calculation of similarity value between the objects is between objects appearing in plural images, said plural images being stored in a database (See for example, Figs. 1-3 and 15-16 and the associated text).

With regard to claim 27, the method of claim 26, wherein calculation of similarity values between objects includes similarity value calculations for multiple objects occurring in each of the plural images, and the similarity value between images is calculated between the plural images (See for example, Figs. 1-3 and 15-16 and the associated text).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-10, 12-17, and 19-21 are rejected under 35 U.S.C. 103 (a) as being anticipated by Li, et al (5,930,783) in view of Bobrow, et al. (6,562,077).

With regard to claim 1, Li, et al discloses a similarity judgment method for judging a similarity value between images related to or attached with characteristic information, i.e., color, shape, etc, representing a characteristic of each of objects, i.e., tree, person, TV, airplane, bird, etc, therein, the similarity judgment method (See for example, 1-5, and particularly item 212) comprising the steps of: calculating a similarity value between the objects included in the images, based on the characteristic information (See for example, col. 5, line 30 –col. 5, line 65; and Figs. 1-5); calculating the (similarity value between the images), based on the similarity value between the objects (broadly reads on col. 5, line 66 – col. 6, line 54; and Tables 3 & 4). Li, et al. does not expressly call for calculating similarity between images. However, finding similarity between images based on the similarity found between the objects included in the images is well known in the art of image searching or retrieving as evidenced by Bobrow (See for example, Fig. 15 and the associated text). Li, et al. and Bobrow, et al. are combinable because they are from the same field of endeavor, i.e., image searching or retrieving graphical images (See for example, the Abstract). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Bobrow, et al. with Lin, et al. The motivation for doing so would enable the system of Li, et al. match the images on the basis of similarity found between the objects. Therefore, it would have been obvious to combine Bobrow, et al with Li, et al. to obtain the invention as specified in claim 1.

With regard to claim 2, the similarity judgment method according to claim 1, wherein the characteristic information is included in metadata of image data representing the images (See for example, col. 6, lines 49-51).

With regard to claim 3, the similarity judgment method according to claim 1, wherein the characteristic information refers to at least one of items comprising a candidate of the name of each of the objects, a reliability value representing likelihood of each of the objects having the name, position information representing a position of each of the objects in a corresponding one of the images, size information representing a size of each of the objects, and a statistic value regarding characteristic quantities of each of the objects (See for example, Table 4).

With regard to claim 5, the similarity judgment method according to claim 1, further comprising the step of storing the images by classifying the images according to the similarity value between the images (See for example, Table 4).

With regard to claim 6, the similarity judgment method according to claim 5, further comprising the step of sequentially outputting the stored images according to the similarity value between the images (See for example, Fig. 14).

With regard to claim 7, the similarity judgment method according to claim 6, further comprising the steps of: storing the images by further classifying the images according to the similarity value between the objects included in the images, and sequentially outputting the stored images according to the similarity value between the objects in the images (See for example, Table 4 and Fig. 14 respectively).

Claims 8, 9, 10, 12, 13, and 14 are rejected the same as claims 1, 2, 3, 5, 6, and 7 respectively, except claims 8, 9, 10, 12, 13, and 14 are directed to apparatus claims. Thus, arguments analogous to those presented above for claims 1, 2, 3, 5, 6, and 7 are respectively applicable to claims 8, 9, 10, 12, 13, and 14.

Claims 15, 16, 17, 19, 20, and 21 are rejected the same as claims 1, 2, 3, 5, 6, and 7 respectively. Thus, arguments analogous to those presented above for claims 1, 2, 3, 5, 6, and 7 are respectively applicable to claims 15, 16, 17, 19, 20, and 21.

Allowable Subject Matter

8. Claims 4, 11, 18 and 22-24 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A publication to: **Jia, et al. "Object-Based Image Similarity Computation Using Inductive Learning of Contour-Segment Relations"** (See for example, page 84, sections IV and V).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRIAN P. WERNER can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL G MARIAM/
Primary Examiner, Art Unit 2624